

5-14. Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements (1200 TN 350 5-14)**1. AUTHORITY.** Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA):

- a. To issue written notices of warning;
- b. To issue complaints;
- c. To evaluate the appropriateness of civil penalties, and to negotiate consent agreements memorializing settlements between the Agency and respondents; and
- d. To sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a. - 1.d. are delegated to the Director, Enforcement and Compliance Assurance Division (ECAD).
- b. The authorities in 1.a. and 1.c. are delegated to the Chief, Air, RCRA, and Toxics Branch, ECAD.
- c. The authorities in 1.c., and 1.d. are delegated to the Regional Counsel (RC).

3. LIMITATIONS.

- a. The delegates must consult with the Assistant Administrator for Office of Enforcement and Compliance Assurance (AA/OECA) or his/her designee in cases of national significance before exercising any of the above authorities, except for the authority to issue written notices of warning. In addition, once the alleged violator files an answer or fails to file an answer in the specified time period, the RC or his/her designee and the technical program representatives or their designees will conduct all negotiations.
- b. The authority to promulgate rules of practice governing public hearings conducted in the assessment of a civil penalty against any violator of the Act is reserved to the Administrator.

5-14. Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements (continued)**4. REDELEGATION AUTHORITY.**

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 9(c) and 14 of FIFRA.
- b. The AA/OECA or his/her designee may exercise these authorities in multi-Regional cases or cases of national significance. In addition, once the alleged violator files an answer or fails to file an answer in the specified time period, the AA/OECA or his/her designee will conduct all negotiations.
- c. The Agency official who signs the complaint should sign the settlement agreement.
- d. OECA is continuing to waive consultation by memorandum as Regional Offices gain experience in particular programs.

6. SUPERSESSION. Delegations Manual, FIFRA, Regional Delegations 5-14. Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements, 1200 TN RIII 129 (November 9, 1998) and 5-11. Enforcement, 1200 TN RIII-87 (April 4, 1990).

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Regional Administrator